

Consent Agreements

- What Are Consent Agreements
- What Is The Process?
- Examples Of How Consent Agreements Have Been Used In The Past

What Are Consent Agreements?

- Common format for enforcement settlements
- Enforcement authorized by statute
- Documents negotiated settlement between parties – parties consent to the action
- Establish corrective actions to be taken and timeline for actions
- Provides penalties for failure to comply

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:		Docket HWCA 2011-9999
Company XYZ 123 Any Street <u>Anytown, CA 99999</u> ID No. CAZ123456789		CONSENT AGREEMENT Health and Safety Code Section 25187
Respondent.		

**The State Department of Toxic Substances Control (Department) and
Company XYZ (Respondent) enter into this Consent Order and agree as
follows:**

5. **The parties wish to avoid the expense of litigation and to ensure prompt compliance.**

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. **This Consent Agreement shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.**

9. Respondent does not admit any violation of the law.

SCHEDULE FOR COMPLIANCE

10. **Respondent shall comply with the following:**

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

Consent Agreement Process

- Contact parties to negotiate
- Negotiate terms of settlement
 - Specific steps to be implemented
 - Timeline for completion of steps
 - Any other provisions agreed to
- Document in standardized format
- Signed by consenting parties

How Have Consent Agreements Been Used In The Past?

- To Settle Enforcement Actions For Violations Of The Law
- To Establish Agreements For Cleanup Of Contaminated Sites
- For Further Examples, Search DTSC's Website For "Consent Agreements"

QUESTIONS?